

Juvenile Justice Advisory Committee Executive Subcommittee

August 25, 2015

2:30pm – 4:30pm

EOPSS, Transportation Building

Minutes

Agenda:

1. Welcome and Introductions
2. Approval of Minutes
3. Review of Work Plan
4. Recommendations re Testimony on Competency, Expungement and Omnibus Bills
5. Webpages – Format & Process for Determining Content
6. MassCourts – Letter to Court Administrator
7. Updates:
 - a. JJDPa – re-authorization & FACJJ Recommendations
 - b. Effective Police Interactions with Youth Training
 - c. Diversion Study & Suffolk County Diversion Project
 - d. DMC Assessment Study & Compliance
 - e. Compliance Monitoring & Court Holding Facilities
 - f. JJAC Membership
8. Announcements & Other Business?

JJAC Attendance: Robert Gittens, Chair; Cecely Reardon, Vice Chair; Mark Booher, Wes Cotter, Kim Larson

EOPSS/Other Attendance: Ednei Furtado, Erin Heaney, Andrew Polk

Handouts: Agenda, Minutes, Work Plan, Legislative Bills, ABA Guidance re Expungement

The subcommittee approved the **minutes** of the May 27, 2015 Executive Subcommittee meeting.

The subcommittee discussed the **pending bills in the state legislature** regarding expungement of juvenile records, juvenile competency-to-stand-trial and the various sections of the juvenile justice omnibus bill.

Cecely Reardon raised some concerns regarding the various **expungement bills**. In particular, she expressed concern about the definition of “records” as it relates to the type of records that would be destroyed if expunged. For example, the pending bills seem to recommend the destruction of the entire Department of Youth Services (DYS) files pertaining to youth who have their cases expunged. This appears to contradict the state’s record retention laws and would make it impossible to use the records for legitimate purposes at a later date such as in later

cases for sentencing or treatment purposes or to clarify for a client the educational services he or she received while in DYS. Juveniles may want to access such records for their own benefit at a later date.

Kim Larson agreed to prepare a draft of testimony regarding the expungement issue. She has conducted research relating to the assessment of risk for future offending of system-involved youth and other issues concerning expungement. The subcommittee supports expungement in general but, as discussed above, has some concerns with the pending bills.

The pending bill on **juvenile competency-to-stand-trial** is essentially the same as that presented in the preceding legislative session for which Kim Larson submitted testimony on behalf of the JJAC. Ms. Larson will update the testimony for the current bill. The JJAC supports efforts to pass legislation that will provide for juvenile-specific competency standards and processes.

Ms. Reardon discussed the various issues raised in the **omnibus bill**. The omnibus bill contains several sections regarding issues such as data collection and reporting, decriminalization of certain offenses, diversion programming and procedures, parent-child privilege, statutory rape and expungement. The subcommittee decided that it will present testimony only on the issue of data collection and reporting. Andrew Polk and Chair Gittens will work on it in preparation for review at the September JJAC meeting.

Chair Gittens updated the subcommittee on a **letter regarding the MassCourts data system** he sent to Court Administrator Harry Spence emphasizing the need for the reliable collection and reporting of court data.

Ednei Furtado updated the subcommittee on the status of efforts to remedy sight and sound separation violations in the Commonwealth's **court holding facilities**. The subcommittee expressed particular concern about the problem in Hingham District Court and the need for a sense of urgency on the matter. The subcommittee recommended that Chief Justice Amy Nechtem be invited to the November JJAC meeting.

Mr. Furtado discussed plans for re-designing and updating the **JJAC webpages**. The subcommittee approved EOPSS staff to make changes as it sees fit which can be reviewed and revised at a later time if necessary.